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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,432

Applicant(s)

OFFER, GERO

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 2, 4 and 5 have been amended.
4. New claim 6 has been added.
5. Claims 1-6 are pending.
6. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
7. Examiner withdraws objections of claims 2 and 4 due to correction by the applicant.

Claim Objections

8. **Claims 2, 4 and 6** are objected to because of the following informalities: typo error. Examiner suggests the following corrections:

Claims 2, 4 and 6:

- Replacement of the phrase "a user" with the phrase "the user" in the above claims.

Response to Arguments

9. Applicant's arguments filed 11/02/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments on page 12, last paragraph and page 13, first paragraph, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "intelligent network for multiplicity of IN services"; "the authentication to the authentication server represents only an intermediate step") are not recited in the rejected claims 1 and 5 (only claims 3 and 4 recite the above limitations in the claim language, and it is for that reasons that examiner rejected those claims under U.S.C 103 rather than under U.S.C 102 rejections of claims 1 and 5). Also the phrase "the user does not need to enter the authorization for the specific service, since it is read from memory of the authentication server" is not in the claim language (examiner, however suggests any inclusion of such limitation in the claim language would be better to be presented in positive limitations format and not in a negative limitations format). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2132

The recitation "multiplicity of IN services/services each being callable via a defined access authorization" in claims 1 and 3 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

10. **Claims 1 and 5** are rejected under 35 U.S.C. 102(b) as being anticipated by Newton et al (5,771,291 A).

As per claim 1 Newton et al (5,771,291 A) teach a method of authenticating for a multiplicity of services each being callable via a defined access authorization (**see fig.1; col.2, lines 64-67 and col.3, lines 1-10 and 22-28 where the communication to access the requested services may be through telephone network (callable) and where authentication and access check are being done in the server of fig.1 that acts as an authentication server**), the method which comprises the following steps: providing an authentication server and storing in the authentication server at least one access authorization for a service (**see fig.1 where a database of individual access**

Art Unit: 2132

key codes are stored; the server in fig.1 also acts as an authentication server since it check user access key code against individual access key stored in its database and based on the positive authentication access to a service is granted);

storing a multiplicity of authentication codes assigned to users in the authentication server (see col.2, lines 64-67 and col.3, lines 1 and 2 where authentication access codes are user access codes that are assigned to the users (line 65) that may be stored in the secure database of the server);

assigning each authentication code to the access authorization or authorizations of a user (see col.3, lines 16-28 where transmit of a user's access code (user's authentication code) are received by the server that maintains the registry or the secure database of fig.1 for verification and authorization); and upon receiving a request for a given service, carrying out authentication with the authentication server by comparing a received authentication code with the authentication codes stored in the authentication server (see fig.1, server function; col.3, lines 23-28 where the received access code of a user is checked against the stored access code of the user for authentication) and, if the comparison leads to a positive comparison result, causing with the authentication server a connection to the requested service to be set up (see fig.1 where in the server if the comparison of the access codes against each other is correct then access is granted and session begins (connection is set up)).

Art Unit: 2132

As per claim 5 Newton et al (5,771,291 A) teach an apparatus for authentication for a multiplicity of services (see fig.1; col.2, lines 64-67 and col.3, lines 1-10 and 22-28 where an apparatus that consist of a server and user's computer is disclosed and where the communication to access the requested services may be through a network and where authentication and access check are being done in the server of fig.1 that acts as an authentication server), comprising:

an authentication server connected to a multiplicity of services (see col.3, lines 47-65 where multiplicity of services such as simple ordering of merchandise to the conduct of financial transactions are provided), said authentication server including

- a memory storing at least one service-specific access authorization for a service and authentication codes (see col.1, lines 65-67; col.2, lines 1-21 where different storage medium (memory) that may store access codes, encryption keys or user identification keys; and where the storage may be portable or a user terminal or a host computer (server); line 64-67 of col.2 refer to storing of the user access codes (authorization) in a database of a server (server's memory or storage medium));**

- a comparison device connected to said memory for comparing a received authentication code with the authentication codes stored in said memory (see fig.1 where in the server a mechanism of comparison of codes against each other is disclosed (checking received access keys against the stored access keys) that comparison device is an auxiliary or dedicated processor or a firewall processor**

Art Unit: 2132

or a network processor (see col.10, lines 29-37) and it has the capability of direct or remote access to the memory); col.4, lines 17-22)); and

- a connection setup device for setting up a connection to a requested service (see fig.1 where the session begins after authentication of a user and approval of granted access in the server; col.2, lines 12-15 where a communication device or system set up connection to a host that stores services as was disclosed above).**

Claim Rejections - 35 USC § 103

11. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton et al (5,771,291 A) in view of Lin et al (5,999,610 A).

As per claim 3 Newton et al (5,771,291 A) teach a method of authenticating for a multiplicity of services each being callable via a defined access authorization (see fig.1; col.2, lines 64-67 and col.3, lines 1-10 and 22-28 where the communication to access the requested services may be through telephone network (callable) and where authentication and access check are being done in the server of fig.1 that acts as an authentication server), the method which comprises the following steps: providing an authentication server and storing in the authentication server at least one access authorization for a service (see fig.1 where a database of individual access key codes are stored; the server in fig.1 also acts as an authentication server since it check user access key code against individual access key stored in its

database and based on the positive authentication access to a service is granted);

storing a multiplicity of authentication codes assigned to users in the authentication server (**see col.2, lines 64-67 and col.3, lines 1 and 2 where authentication access codes are user access codes that are assigned to the users (line 65) that may be stored in the secure database of the server);**

assigning each authentication code to the access authorization or authorizations of a user (**see col.3, lines 16-28 where transmit of a user's access code (user's authentication code) are received by the server that maintains the registry or the secure database of fig.1 for verification and authorization));** and upon receiving a request for a given service, carrying out authentication with the authentication server by comparing a received authentication code with the authentication codes stored in the authentication server (**see fig.1, server function; col.3, lines 23-28 where the received access code of a user is checked against the stored access code of the user for authentication)** and, if the comparison leads to a positive comparison result, causing with the authentication server a connection to the requested service to be set up (**see fig.1 where in the server if the comparison of the access codes against each other is correct then access is granted and session begins (connection is set up))** but do not disclose if the network is an Intelligent network (IN) and the services provided are intelligent network (IN) services. However Lin et al (5,999,610 A) disclose an intelligent network and services (**see abstract; fig.3,4,8,15 and col.5, lines 9-19 where access to services based on a trigger in an intelligent network is**

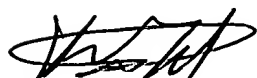
Art Unit: 2132

disclosed). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Lin's intelligent network components in Newton et al. network access system in order to transfer of information across hybrid network which includes telephony routing and controlling the execution of each services nodes and their corresponding service categories.

As per claims 2, 4 and 6 Newton et al (5,771,291 A) teach all limitation of the claims as applied to claim 1, 3 and 5 above but do not disclose selecting the access authorization or authorization of a user to be at least one of service-specific and subscriber-specific. However Lin et al (5,999,610 A) teach selection of the access authorization or authorization of a user to be at least one of service-specific and subscriber-specific in an intelligent network (**see fig.15 where subscriber id represent the subscriber and col.6, lines 1-14 where the triggers may be subscriber-based or office-based; col.8, table 1 disclose the trigger according to service categories**). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Lin et al's service categories classification based on trigger's code or a key by classifying Newton et al's authentication (identification) codes stored in the database or by using the triggers as an prefixes or suffixes to the identification codes (as described in col.4, line 59-62 of Newton) in order not only controlling the execution of service categories for particular trigger that defines then user but also to ensure that the same identification message is not sent twice.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

03/04/2005